

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.2250 OF 2006

Mohammed Salim Abdul
Hakim Mistry and Anr.

...Appellants

vs.

Municipal Corporation for
Greater Mumbai

...Respondent

Mr.K.Y.Mandlik for the Appellants
Mr.J.J.Xavier for the Respondent-B.M.C.

CORAM: A.S.OKA, J.
DATE : FEBRUARY 6, 2007.

P.C.:

1. Heard Advocate for the Appellants. The Advocate for the Appellants seeks permission to withdraw this Appeal with liberty to apply to the Respondent-Corporation for regularisation of the suit structure. An Affidavit tendered by the Advocate for the Appellants of Appellant No.1 to that effect is taken on record and marked 'X' for identification.

2. Hence, I pass the following order :

i) Appeal is dismissed as withdrawn.

ii) If the Appellants apply for the regularisation to the concerned Authority of the Respondent-Corporation within a period of two months from today, the same shall be decided by the concerned Authority within a period of two months from the date of receipt of the Application.

iii) The order passed on the application shall be communicated to the Appellants within a period of one week from the date of passing the order.

iv) The concerned authority of the Respondent-Corporation will decide the Application for regularisation on its own merits.

v) If the application for regularisation is made by the Appellants within a period of two months from today, for a period of six months from today, both the parties will maintain status quo as of today in respect of the disputed structure.

vi) If Application for regularisation is not made within the stipulated period, the Respondent-Corporation will be free to proceed in accordance with law after expiry of said period of two months.

vii) Liberty to produce all requisite documents and other evidence before the concerned Authority along with the Application for regularisation.

viii) There will be no order as to costs.

ix) Parties to act upon an authenticated copy of this order.

JUDGE